

REMARKS

The present communication responds to the Office Action dated July 23, 2007. In the Office Action, the Examiner rejected Claims 1-16 and 18. Claims 1-16 and 18 are currently pending.

Rejections under 35 U.S.C. § 102

Independent Claim 1

Claims 1, 3-7, 10-11, and 13-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,919,167 ("Mulhauser"), U.S. Patent 4,685,903 ("Cable"), and U.S. Patent 3,701,345 ("Heilman").

Claim 1, as amended, recites an injection device for injecting a medicament into a body comprising, in part, "a drive system for expelling a dosage of the medicament from the reservoir, and at least one capacitor for powering the drive system for performing at least one injection, wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device."

None of Mulhauser, Cable, and Heilman, in contrast, disclose the invention of claim 1 at least because none of the references discloses "wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device."

Mulhauser discloses an apparatus for delivery of a fluid. Power to the apparatus is supplied by means of a battery 120. *Mulhauser*, col. 5, ll. 30-31. As is seen with reference to Figure 7, the battery 120 is housed entirely within the delivery apparatus. Thus, Mulhauser does not disclose "wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device," as recited in claim 1. Reconsideration and withdrawal of the rejection are requested.

Cable discloses an infusion pump apparatus. The apparatus is powered by primary source 11 which consists of three 1.5 volt silver oxide batteries connected in series. *Cable*, col. 4, ll. 56-59. Additionally, the apparatus may be powered by an auxiliary power source 4. *Cable*, col. 4, ll. 60-62. As is seen with reference to Figure 2, the power source 11 is housed entirely within the delivery apparatus. Thus, Cable does not disclose "wherein the at least one capacitor

receives its charge from an external charging device removably coupled to the injection device,” as recited in claim 1. Reconsideration and withdrawal of the rejection are requested.

Regarding Heilman, as an initial matter, Applicants note that the Examiner failed to recite Heilman as disclosing “a charging device removably coupled to the injection device,” as required by claim 1. Notwithstanding the absence of such a recital, Heilman does not disclose the invention of claim 1. Heilman discloses an angiographic injector device. The device is driven by a direct current permanent magnet motor 12 having a printed circuit armature. *Heilman*, col. 4, ll. 57-59. Heilman does not disclose a charging device. Thus, Heilman does not disclose “wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device,” as recited in claim 1. Reconsideration and withdrawal of the rejection are requested.

Claims 1, 3-7, 10-11, and 13-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,210,138 (“Jess”).

As discussed above, claim 1 recites an injection device for injecting a medicament into a body comprising, in part, “a drive system for expelling a dosage of the medicament from the reservoir; and at least one capacitor for powering the drive system for performing at least one injection, wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device; and wherein the drive system remains operable for expelling a dosage after the charging device has been removed by discharging the charge from the external charging device.”

Jess does not disclose the invention of claim 1 at least because it does not disclose “wherein the drive system remains operable for expelling a dosage after the charging device has been removed by discharging the charge from the external charging device.” Jess discloses a peristaltic-type fluid metering apparatus for use in conjunction with an administration set for controlling the flow of fluid into a vein or artery. *Jess*, col. 3, ll. 5-8. Operating power for the fluid metering apparatus is supplied by means of two unidirectional current supplies which receive operating power from an AC line through an ON-OFF switch. *Jess*, col. 3, ll. 37-40. Additionally, a battery is provided within the device as a source of power in the event of failure of the AC line. *Jess*, col. 3, ll. 40-44. Thus, as disclosed by Jess, if the external power supply is disconnected, to remain operable, the device requires power from the internal power supply, or battery. Jess does not disclose the device remaining operable by discharging a charge received

by a capacitor from the external power source, or AC line. Accordingly, Jess does not disclose “wherein the drive system remains operable for expelling a dosage after the charging device has been removed by discharging the charge from the external charging device,” as recited in claim 1. Reconsideration and withdrawal of the rejection are requested.

Claims 1, 3, 9, 11-13, 16 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,708,060 (“Avarhami”).

Claim 1, as amended, recites an injection device for injecting a medicament into a body comprising, in part, “a drive system for expelling a dosage of the medicament from the reservoir; and at least one capacitor for powering the drive system for performing at least one injection, wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device.”

Avarhami, in contrast, does not disclose the invention of claim 1 at least because it does not disclose “wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device.”

Avarhami discloses a skin puncturing device 20 for transdermal delivery of an active substance. *Avarhami*, col. 14, ll. 5-8. The device 20 comprises a control unit 30 attached to a skin patch 40. *Avarhami*, col. 14, ll. 9-11. The control unit 30 contains a switching unit 50 and battery 52. *Avarhami*, col. 14, ll. 51-52. As is seen with reference to Figure 1A, the battery 52 is contained entirely within the device 20. Avarhami does not disclose an external power supply. Thus, Avarhami does not disclose “wherein the at least one capacitor receives its charge from an external charging device removably coupled to the injection device,” as recited in claim 1. Reconsideration and withdrawal of the rejection are requested.

Claims Depending from Claim 1 are Patentable

Claims 2-16 depend either directly or indirectly from claim 1 and incorporate all the limitations of claim 1. Accordingly, these claims are also patentable for at least for the reasons presented above. Reconsideration and withdrawal of the rejections are requested.

Independent Claim 18

Claim 18 recites an injection device for injecting a medicament into a body comprising, in part, “a drive system for expelling a dosage of the medicament from the reservoir; and at least

one capacitor for powering the drive system for performing at least one injection, the at least one capacitor providing the sole electric power source for the injection device.”

Avarhami, in contrast, does not disclose the invention of claim 18 at least because it does not disclose “at least one capacitor for powering the drive system for performing at least one injection, the at least one capacitor providing the sole electric power source for the injection device.”

In the Office Action, regarding the battery of the injection device of Avarhami, the Examiner noted that “the primary power source consists of battery power sources...” *Office Action*, page 9. Implicit in the Examiner’s statement is that a capacitor is not the “sole electric power source for the injection device,” as recited in claim 18. Thus, Avarhami does not disclose “at least one capacitor for powering the drive system for performing at least one injection, the at least one capacitor providing the sole electric power source for the injection device,” as recited in claim 18. Reconsideration and withdrawal of the rejection is requested.

CONCLUSION

This response is being submitted on or before November 23, 2007, with the required fee for a 1-month extension of time, making it timely. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 04-1420.

The application is in condition for allowance, and reconsideration and allowance are requested.

Respectfully submitted,

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